

SUPPORTING STATEMENT  
FOR AN INFORMATION COLLECTION REQUEST (ICR)

1. IDENTIFICATION OF THE INFORMATION COLLECTION

1(a) Title of the Information Collection:

**Worker Protection Standard Training and Notification**

**OMB No.: 2070-0148; EPA No.: 1759.03**

1(b) Short Characterization/Abstract:

The Environmental Protection Agency (EPA, or the Agency) is responsible for the regulation of pesticides under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). The Worker Protection Standard (WPS), codified at 40 CFR Part 170 (see Attachment #1), established requirements to protect agricultural workers and pesticide handlers from hazards of pesticides used on farms, on forests, in nurseries and in greenhouses. 40 CFR Part 170 contains the standard and workplace practices, which are designed to reduce or eliminate exposure to pesticides and establish procedures for responding to exposure-related emergencies. The practices include prohibitions against applying pesticides in a way that would cause exposure to workers and others; a waiting period before workers can return to areas treated with pesticides (restricted entry interval); basic safety training (and voluntary training verification) and posting of information about pesticide hazards, as well as pesticide application information; arrangements for the supply of soap, water, and towels in case of pesticide exposure; and provisions for emergency assistance. The training verification program facilitates compliance with the training requirements by providing a voluntary method for employers to verify that the required safety information has been provided to workers and handlers.

This renewal ICR estimates the third party response burden from complying with the Worker Protection Standard requirements. Information is exchanged between agricultural employers and employees at farm, forest, nursery and greenhouse establishments to ensure worker safety. No information is collected by the Agency under this ICR. It is estimated that the response burden is approximately 2.3 million hours valued at \$95.1 million.

2. NEED FOR AND USE OF THE COLLECTION

2(a) Need/Authority for the Collection

In accordance with FIFRA Section 25, the Agency issued final regulations on August 21, 1992, revising the WPS at 40 CFR 170. The WPS at 40 CFR Part 170 is designed to reduce the risks of

illness or injury resulting from workers' and handlers' occupational exposure to pesticides used in the production of agricultural plants on farms or in nurseries, greenhouses, and forests and also from the accidental exposure of workers and other persons to such pesticides. It requires workplace practices designed to reduce or eliminate exposure to pesticides and establishes procedures for responding to exposure-related emergencies. The notification and training requirements are necessary to provide agricultural workers and pesticide handlers with the information they need to protect themselves from pesticide poisoning and other injuries.

2(b). Practical Utility/Users of the Data

Basic pesticide safety information/training, instructions on safe operations and repair of equipment, and notification regarding use of specific pesticides, and the applicability of exceptions/exemptions to WPS reentry restrictions provide agricultural workers, pesticide handlers, agricultural employers, and medical personnel with basic information so they are able to take precautionary or responsive measures, as appropriate. This training and notification are targeted to agricultural workers who perform tasks related to the cultivation and harvesting of plants in areas treated with pesticides, and pesticide handlers who mix, load, and apply pesticides for use in these areas.

Training verification certificates have been produced by the Agency for authorized trainers to issue to workers and handlers once they have completed the WPS training requirements. The EPA training verification program is a voluntary program and the issuance of the training verification cards is not a WPS requirement. However, agricultural employers are relieved of the responsibility of safety training if their agricultural workers and pesticide handlers possess valid EPA training verification cards. Participating States issue the cards to qualified training providers within the State. The program is intended to assist in substantiating WPS pesticide safety training, minimize the need for retraining (given the migrant nature of much of the workforce), offer an uncomplicated system for verifying training, provide a means for training quality control, and allow states flexibility in administering the program.

3. NON-DUPLICATION, CONSULTATIONS, AND OTHER COLLECTION CRITERIA

3(a) Non-duplication

Not applicable. This is the only notification activity of its kind and notifications required in this program are required only once per event. Consequently, the possibility for duplication does not exist. The training provision provides for an exemption for certified applicators of restricted-use pesticides under the Certification and Training Program found in 40 CFR Part 171. Therefore, no duplication of training is imposed. Additionally, the WPS training verification program was explicitly developed to eliminate duplication of training.

3(b) Public Notice Required Prior to ICR Submission to OMB

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In proposing to renew this ICR, EPA published a Federal Register Notice that provided a 60-day public notice and comment period that ended on April 2, 2001 (see Attachment #3). No comments were received in response to that notice.

**3(c) Consultations**

EPA consulted with the U.S. Department of Agriculture, Cooperative Extension Service, Pesticide State Lead Agencies, farmworker organizations, growers, commodity groups, and pesticide companies, in preparing all aspects of the Worker Protection Program. The Agency continues to use a consultative approach as part of our ongoing efforts to ensure that agricultural workers are adequately protected from potential adverse effects associated with unreasonable exposures to pesticides in their work environment.

The Agency has and will continue to consult with several individuals in developing the burden estimates, including:

Carolee Howe, Florida Farm Bureau 352-378-8100

Craig Regelbrugge, American Nursery and Landscape Association, 202-789-5980

Randy Rivera, Texas Department of Agriculture, 512-463-7717 .

After consulting with several growers in Florida about the time spent by growers training farm workers, the Florida Farm Bureau commented that the estimate for the grower burden for worker training (see Table 1, Activity #3) was low and should be increased from 10 minutes to 20 minutes per training event. On the other hand, the Texas Department of Agriculture concurred with the Agency's initial overall estimates. No comments have been received from the American Nursery and Landscape Association.

Based on a comprehensive study of their members' efforts to comply with the Worker Protection Standard, the Florida Farm Bureau is in a unique position to comment on burden estimates. The Agency accepts the Florida Farm Bureau input and believes that a careful grower would spend 20 minutes per training event covering the required elements. The burden estimates have been revised to reflect the 10 minute increase per training event. Further, EPA will reexamine the burden associated with this information collection request as part of the Agency's ongoing reevaluation of the Worker Protection Standard program.

**3(d) Effects of Less Frequent Collection**

Not applicable. This is the only notification activity of its kind and training/notifications required in this program are required only once per event. Consequently, the possibility for less frequent training/notification does not exist without increased risk.

3(e) General Guidelines

Only two of the general guidelines of the Paperwork Reduction Act (PRA) are not met by this ICR.

The information that is required to be provided by employers to workers and handlers is generally information that is not maintained at all by the employer (e.g., safety information, training materials, and signs for posting) and must be developed. However, some of the information may customarily be maintained, but in a different format than is required by the rule. Specifically, the application information that is required to be centrally posted may be maintained by the employer in various other forms, such as bills, receipts for pesticides purchased, or service contracts for individual applications by commercial applicators. Location information may be maintained in the form of field maps. The WPS requires that certain information about each application be centrally posted, including the location of the application, information about the pesticide, date and time of application and restricted entry interval, but the format of such information posting is left to the individual employer.

Small entities are required to follow the same requirements as larger establishments under the WPS, unless exempted as a solely family-operated establishment. The protections of the WPS depend upon workers receiving the various training and notifications contained in the rule. These cannot be reduced for small establishments without seriously compromising the protections offered to workers and handlers.

3(f) Confidentiality

Not applicable. The Agency is not collecting information in conjunction with this activity. Further, this activity complies with the provisions of the Privacy Act of 1974 and OMB circular A-108.

4. THE RESPONDENTS AND THE INFORMATION REQUESTED

4(a). Respondents/SIC Codes

Respondents affected by the collection activities under this ICR are agricultural employers, including employers in farms as well as nursery, forestry, and greenhouse establishments. The Standard Industrial Classification (SIC) and North American Industrial Classification System (NAICS) codes assigned to the parties responding to this information are as follows:

NAICS Code	SIC Code	Examples of Potentially Affected Entities
<b>111</b> Crop production	<b>01</b> Agricultural production - crops	Agricultural employers - farms
<b>115</b> Support activities for agriculture and forestry	<b>07</b> Agricultural services <b>08</b> Forestry	Agricultural employers - greenhouses and forestry

4(b). Information Requested

(i) *Data items, including recordkeeping requirements*

(1). Central Information:

**Safety Poster.** The agricultural employer must display pesticide safety information in a central location on the agricultural establishment, providing pesticide safety concepts and emergency medical care information. EPA supported the development of posters which are readily available at no cost from EPA or at a very low cost from commercial supply (at \$2.50 each). Employers need only add the name of the nearest medical care facility and post the poster in a central location. Employers are not obligated to use the EPA-developed poster and may create their own so long as the ten basic points described in 40 CFR 170.135(b) are included. A sample pesticide safety information poster is included as **Attachment #2**.

**Treatment-Specific Information.** The agricultural employer must display at a central location the following: the location and description of a treated area; the product name, EPA registration number, and active ingredient(s) of the pesticide; the time and date of application; and the restricted-entry interval for each pesticide application, if workers will be on the establishment within a specified time period during or following application.

(2). Training:

**Basic Pesticide Safety Information.** The agricultural employer must assure that each agricultural worker who has not received the complete pesticide safety training is provided basic pesticide information specified in 40 CFR 170.130(a)(3) in a manner the worker can understand.

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**Agricultural Worker Training.** The agricultural employer must assure that each agricultural worker is trained in pesticide safety in a manner that the worker can understand within 5 days of employment on the establishment, or before workers enter treated areas to perform early-entry activities. The person who conducts the training must meet the criteria described in 40 CFR 170.130(c)(2) and the training must cover the eleven points described in 40 CFR 170.130(c)(3).

**Pesticide Handler Training.** The handler employer must assure that each pesticide handler is trained in pesticide safety, covering the 13 points described in 40 CFR 170.230(c) before they perform any handling task.

EPA supported the development of pesticide safety training materials for agricultural workers, pesticide handlers, and trainers for both groups of employees. Through the cooperation of the pesticide chemical industry, state agencies, and others, the materials were produced in large volume and distributed for no cost. Additional materials are commercially available for minimal cost (training handbooks available at \$1.00 or less, trainer notebooks available at \$3.50, and a reference guide is available at \$3.50 each). Additionally, the Agency has supported training efforts conducted by national farmworker organizations across the country, focusing on entry points and key paths for the migrant farmworker workforce.

(3). Training Verification:

The EPA training verification program is a voluntary program and is intended to relieve agricultural employers of the burden of repeat training of individuals in a mobile work force. Employers are relieved of the responsibility of safety training if their agricultural workers and pesticide handlers possess valid EPA training verification cards. States that agree to participate in EPA's voluntary training verification program submit an agreement form to EPA indicating the name of a State WPS contact and the number of training verification cards that they wish to receive from EPA. This is a one time filing. Participating States will issue EPA training verification cards to qualified training providers within the State. As a condition for being allowed to provide cards to workers and handlers, trainers are asked to keep class rosters of the names of those they have trained.

(4). Treatment Specific Worker/Handler Notice:

**Oral Notification and/or posting warning signs.** Whenever specified on the pesticide label, the employer must notify workers who come within 1/4 mile of a treated area within a specified time period of any pesticide application. Notification may be either by posting a warning sign or by providing information orally, unless the pesticide label requires both posting and oral notification. The oral notification must be in a manner that the worker can understand, and include the location and description of the treated area, the time during which entry is restricted, and instructions not to enter the treated area until the restricted-entry interval has expired. See Attachment #5 for the warning sign.

Required specifications for the warning signs are contained in the 40 CFR 170.120(c). Signs are commercially available for just under \$2.00 each.

(5). Handler and Emergency Information:

**Handler Notice to Employer.** Before the application of any pesticide on or in an agricultural establishment, the handler employer shall provide or assure the agricultural employer for the establishment is aware of the specific location and description of the treated area; the time and date of application; the product name, EPA registration number, and active ingredient(s); the restricted-entry interval; and whether posting and oral notification are required.

**Safe Operation and Repair.** The handler employer must assure that before the handler uses any equipment for mixing, loading, transferring, or applying pesticides, the handler is instructed in the safe operation of the equipment.

**Emergency Information.** If the employer has reason to believe that a person who is or has been employed by an agricultural establishment or a commercial pesticide handling establishment to perform pesticide handling tasks has been poisoned or injured by exposure to pesticides as a result of that employment, the employer must provide that person or treating medical personnel information about the pesticide, the antidote and first aid information from the product label, the circumstances of handling the pesticide, and the circumstances of exposure to the pesticide.

(6). Use of Exceptions/Exemptions Notice:

**Use of Exceptions/Exemptions Notice.** Employers must notify workers, either in writing or orally, in a language the worker understands, if the establishment is operating under conditions of an EPA-approved exception/exemption to the early entry provisions of the WPS. The exceptions/exemptions are intended to provide flexibility, if needed, to growers to conduct certain otherwise prohibited activity during a time period when exposure to pesticide residues is of concern.

There are currently two nationwide exceptions and one exemption for which third party notification would be required. They include some circumstances for conducting irrigation activities, some circumstances for conducting activities which result in limited contact with pesticide treated surfaces, and some circumstances for conducting crop advising activities, all during a restricted entry interval following pesticide application. In the past the Agency has also granted an exception to the cut rose industry for hand harvesting during an REI. The Agency is currently considering a request from the rose industry for another exception (the last rose harvesting exception has expired). When a decision has been made, the Agency will publish an announcement detailing the decision, including any conditions or limitations to the exception, if granted, in the Federal Register.

In addition to accounting for the burden associated with the conditions placed on those exceptions/exemptions that are in effect, this ICR also includes additional hours to accommodate the

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potential burden associated with the Agency's establishment of an exception for rose harvesting. The exception, if granted, will discuss the burden anticipated and, should the burden exceed the current estimate included in this ICR, the Agency will amend the ICR as appropriate.

*(ii) Respondent Activities*

In assuring that training is provided to their workers and handlers and providing WPS notifications, agricultural employers generally engage in the following activities:

Learn rule requirements	Read WPS, 40 CFR Part 170, and read specific pesticide labels.
Acquire poster and warning sign	Create own pesticide safety poster and warning sign, obtain poster and signs free if available from EPA and States, or purchase for low cost from commercial supply.
Fill in medical information on safety poster and post specific application information	Fill in the name of the nearest medical care facility on the centrally-displayed pesticide safety poster; record the location and description of the treated area, the product name, and active ingredient(s) of the pesticide, the time and date the pesticide is to be applied, and the restricted-entry interval for the pesticide at a central location for each pesticide application.
Post notices or provide oral notification	Post the basic pesticide safety poster at a central location; post warning signs at usual points of entry or in corners of the treated area for each application or provide oral notification to workers
Arrange for training of workers and pesticide handlers	Become an authorized WPS trainer or arrange for State personnel or other qualified trainer to train workforce; arrange for training all new employees within 5 days of their employment.
Issue and review training verification cards	Obtain verification cards and issue to workers or handlers after training is completed or arrange for an authorized WPS trainer to provide verification cards.
Provide treatment information to employers, handlers and medical personnel	For pesticide treatments performed for hire, notify the ag employer of the specifics of the treatment (time, product used, REI's, etc.) and ensure that handlers have label information available during application. If a medical emergency exists, provide medical personnel with specific information from the pesticide label and the circumstances of application.
Notify workers and handlers of terms of exceptions/ exemptions allowing for tasks to be performed in treated areas	When using WPS exceptions or exemptions, the ag employer must explain the exception to the workers and handlers.



5. THE INFORMATION COLLECTED – AGENCY ACTIVITIES, COLLECTION METHODOLOGY, AND INFORMATION MANAGEMENT

5(a) Agency Activities

Not applicable. This ICR involves activities conducted by third parties. EPA does not conduct any activities under this ICR. Participating States are responsible for implementing voluntary training verification programs.

5(b) Collection Methodology and Management

Not applicable. This ICR involves activities conducted by third parties. EPA does not conduct any activities under this ICR. Participating States are responsible for implementing voluntary training verification programs.

5(c) Small Entity Flexibility

The protections of the WPS depend upon workers receiving the various training and notifications contained in the rule. These cannot be reduced for small establishments without seriously compromising the protections offered to workers and handlers. As such, small entities are required to follow the same requirements as larger establishments under the WPS, unless exempted as a solely family-operated establishment under 40 CFR 170.204(a). Under this exemption, the owner of an agricultural establishment is not required to provide certain protections to himself or members of his immediate family who are performing handling tasks on their own agricultural establishment.

5(d) Collection Schedule

Not applicable. This ICR involves activities conducted by third parties. EPA does not conduct any activities under this ICR. Participating States are responsible for implementing voluntary training verification programs.

6. ESTIMATING THE BURDEN AND COST OF THE COLLECTION

The attached table lists the estimated burden hours and cost associated with training and information exchanges required by the Worker Protection Standard. The estimates are based on the agricultural establishment figures and the agricultural employment figures used in the regulation's regulatory impact analysis, as well as information obtained by the Agency during the implementation of the WPS and from contacts at the state level and within the US Department of Agriculture (USDA).

6(a). Estimating Respondent Burden

The estimated burden and cost to farmers for the time taken to train workers is based on the Agency's experience obtained during the implementation of the WPS, as well as from additional information provided by personnel from the USDA and state agricultural agencies.

The number of events is based on either the number of agricultural establishments or individuals involved, or a multiple of this number based on the estimated number of occurrences per year. The time for each event is based on field experience in accomplishing such events. The overall estimate is for a typical year of full implementation. The burden for a number of categories have significantly decreased after the first year of implementation, because the training is required only once every five years. As such, the farmer conducts annual training only for those employees who have not received any training, or who received the training five or more years ago.

The calculations of the cost burden for some of the WPS requirements (central notification, oral notification, irrigation exception, limited contact exception) involve specific assumptions in addition to the general set given above. These additional assumptions and the methods used to derive the burden estimates are given below.

**Table 1 - Total Annual Burden and Cost Estimates**

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Activity	Total # People/ Events	Per Event Average						TOTALS <sup>1</sup>	
		Grower (\$48/hr.) <sup>2</sup>		Worker (\$15/hr.)		Total per Event			
		Burden (minutes)	Cost (\$)	Burden (minutes)	Cost (\$)	Burden (minutes)	Cost (\$)	Burden (Hours)	Cost (\$)
New Entrant Rule Familiarization (Annual)	50,000	30	24.00	0	0.00	30	28.00	25,000	1,200,000
1) Poster	100,000	10	8.00	0	0.00	10	8.00	16,667	800,000
Central Notification	3,245,393	10	8.00	0	0.00	10	8.00	540,899	25,963,144
2) Oral Notifications	7,737,285	5	4.00	0	0.00	5	4.00	644,774	30,949,140
Posted Notifications	724,009	8	6.40	0	0.00	8	6.40	97,078	4,633,658
3) Basic Safety Information Conveyance	169,000	2	1.60	0	0.00	2	1.60	5,600	270,400
Worker Training	339,000	20	16.00	20	5.00	40	21.00	226,000	4,746,000
Handler Training	185,000	25	20.00	20	5.00	45	25.00	139,000	4,625,000
4) Gather Information	35,733	5	4.00	0	0.00	5	4.00	2,978	142,932
File or Disclose Information	35,733	3	2.40	0	0.00	3	2.40	1,787	85,759
5) Handler Notice of Ag Employer & Labeling Info.	1,875,705	10	8.00	5	1.25	15	9.25	468,926	17,350,271
Safe Operation and Repair	185,000	10	8.00	10	2.50	20	10.50	61,666	1,942,500
Provide Emergency Info. on Pesticide Treatments	52,400	20	16.00	10	2.50	30	18.50	26,200	969,400
6) Rose Exception	150	170	136.00	10	2.50	180	138.50	450	20,775
Irrigation Exception	195,300	2.5	2.00	2.5	0.63	5	2.63	16,300	513,639
Limited Contact Exception	195,300	2.5	2.00	2.5	0.63	5	2.63	16,300	513,639
Crop Advisor Exemption	10,000	15	12.00	15	3.75	30	15.75	5,000	157,500
TOTALS								2,294,625	94,883,757

1) Totals were determined as follows: Total Burden Hours: (total # events x burden minutes) ÷ 60. Total Costs: (total # events x total per event costs)

2) Based on the Regulatory Impact Analysis of the Worker Protection Standards Final Rule (1992), the loaded rate for grower costs varies from \$10 to \$85, based on size, farm vs. greenhouse/nursery, number of employees, number of acres, crop grown, etc. . . . Since a majority of these growers are small, we used the lower end of the range. EPA use \$4 as the average annual hourly rate for grower costs. This is an increase of about 15% from the growers burden rate of \$42 from the previous ICR to account for inflation.

**Central Information.** It is assumed that there will be one centrally posted notice per pesticide treatment per establishment that hires labor. It is also assumed that it will take an average of ten minutes for employers to post the notice and employees to read the information.

Annual notifications equal the number of establishments (309,100) multiplied by the average number of pesticide treatments (approximately 3.5) per establishment. The average number of 3.5 pesticide treatments is a good proxy only if each time a grower applied a pesticide he treated his entire acreage that normally is treated in a year. This is not always the case since many grow multiple crops, and even within a single crop a farmer may not treat all acres the same, or not all at once. A correction for this is to multiply the average number of pesticide treatments by an assumed factor of 3 (EPA estimate based on general knowledge) to equal an average of approximately 10.5 pesticide treatments per establishment, and accordingly, an estimated 3,245,393 central notification events.

**Worker and Handler Notification.** It is assumed that: employers may orally notify workers of pesticide treatments or post treated areas (except for pesticides which are Toxicology Category I for dermal or eye, which require both); greenhouses will always post treated areas, and all others will always orally notify workers; one oral notification is necessary for each pesticide treatment when workers will be within 1/4 mile of the treated area during the restricted entry interval (REI); oral notification takes five minutes.

For all establishments other than greenhouses, each pesticide treatment would have an oral notification, whenever workers are within 1/4 mile during the REI. Therefore multiply the average number of pesticide treatments per establishment per year (10.5) by the average percent probability that workers will be within 1/4 mile of the treated area during the REI (50%), and multiply by the number of establishments which hire labor and use pesticides (309,085).

For greenhouses (11,350), only pesticide treatments which are Toxicology Category I for dermal or eye will receive oral notification. An average of 50 treatments are made per greenhouse establishment per year. The percent of treatments in greenhouses which are Toxicology Category I for dermal or eye is 5%.

**Training Verification.** Upon the completion of the training, the WPS provides for the issuance of "EPA-approved Worker Protection Standard training certificates" to workers and handlers to allow employers to verify that workers and handlers have received WPS safety training. The EPA Training Verification Program is a voluntary program and the issuance of the training verification cards is not a WPS requirement. However, agricultural employers are relieved of the responsibility of safety training if their agricultural workers and pesticide handlers possess valid EPA training verification cards. Participating States will issue the cards to qualified training providers within the State. The program is intended to assist in substantiating WPS pesticide safety training, minimize the need for retraining (given the migrant nature of much of the workforce), offer an uncomplicated system for verifying training, provide a means for training quality control, and allow states flexibility in administering the program. The initial burden for training verification (24,990 burden hours) was covered under OMB No. 2070-0060

ICR. The verification activity has tapered off to a much lower total annual burden of 4,765 burden hours and is covered in this ICR.

**Irrigation and Limited Contact Exception.** There are 279,359 farms with irrigation in the United States (1992 Census). The average annual pesticide application is estimated to be 3.5 for irrigated acres. It is assumed to take about 2.5 minutes to supply the information to the irrigation workers. It is further assumed that 20 percent of the pesticide treatments would require the application of irrigation exception. The same working assumptions have been applied to the limited contact exception.

**Handler and Emergency Information.** Using the estimates for worker and handler notification and training, the number of events for handler initiated notifications and the number of handler sessions on safe equipment operations was estimated. It was assumed that each commercial application would trigger a handler notification to the ag employer and that the same number of handlers would need instruction in safe equipment operation as would need the pesticide safety training.

It was also assumed that one percent of workers and handlers trained in any given year would require medical attention and request pesticide specific emergency information be provided to medical personnel. These workers and handlers are the most likely to be entering treated areas during the course of their employment.

### **Cut-Rose Exception**

The last Cut-Rose Exception was published on October 10, 1997 (62 FR 51994) and expired three years later. In the last ICR, the burden from the cut-rose exception was estimated to be three hours per establishment for a total annual burden of 600 hours. Information from the rose industry indicates that the number of rose growing establishments has decreased to approximately 150 currently. Since the Agency is considering a request from the rose industry for another exception, EPA is including a burden of 450 hours (3 hours x 150 establishments) in this ICR.

#### **6(b) Estimating Respondent Costs**

According to OMB guidance, the costs associated with this type of burden should be represented by a labor rate, which consists of an estimated hourly wage rate and any estimated overhead expenses, e.g., facility expenses, capital expenditures, employee benefits, employment taxes, social security expenses, insurance expenses, and any other employment related expense. The information available to the Agency indicates that the current wage rate for agricultural workers is \$7.61 per hour (NASS, Agricultural Statistics Board, USDA, May 18, 2001). Although the Agency did not obtain information upon which to base an estimated cost for potential "overhead expenses" that farmers may be likely to experience, a reasonable calculation would involve a doubling of the wage rate. So, for the purposes of calculating the farmers' cost for the workers' time taken to receive the mandatory training, the Agency has assumed a loaded labor rate of \$15.00 per hour for agricultural workers. Because the training only uses a maximum of one half hour for each agricultural worker, the farmer's

cost associated with the worker's time used for training is estimated to be \$7.50 per worker (\$15.00 ÷ ½ hour).

Based on the economic analysis that was prepared for the WPS, the cost for growers can vary significantly from approximately \$10 to \$85, based on such factors as their size, whether they are a farm or greenhouse/nursery, the number of employees, the number of acres, the crop grown, etc. The majority of these growers are relatively small, so the costs fall closer to the lower end of this cost range. For calculating the rate to use for grower costs, EPA used \$42 as the hourly rate for grower costs in the last ICR. For purposes of this ICR update, EPA has increased the grower rate by the same percentage as the worker wage rate increase over that assumed in the last ICR, or about 15%. Thus, EPA has used \$48 for the hourly rate for grower costs in 2001.

#### 6(c). Estimating Agency Burden and Cost

Not applicable. This ICR involves activities conducted by third parties. EPA does not conduct any activities under this ICR. Participating States are responsible for implementing voluntary training verification programs. As such, EPA incur any burden or cost under this ICR.

#### 6(d) Estimating Respondent Universe and Total Burden and Cost

There are approximately 309,100 agricultural establishments in the U.S. and 3 million to 4 million farm workers. The burden estimates were developed on a per event basis, then aggregated using estimates of the number of events. Those estimates and assumptions were discussed in section 6(a) and are presented in Table 1 - Total Annual Burden and Cost Estimates.

It is estimated that the total annual burden is 2,294,625 hours at a total cost of \$94,883,757.

#### 6(e). Bottom Line Burden Hours And Cost Tables

<b>Master Table -- Bottom Line Estimated Burden Hours And Costs</b>		
	<b>Hours</b>	<b>Costs</b>
Respondents	2,294,625	\$94,883,757
Agency	n/a	n/a

#### 6(f). Reasons For Changes In Burden

This ICR will increase the burden in the previous ICR (an estimated total of 2,242,442 hours) by 52,183 hours to provide the new total estimated burden of 2,294,625 hours. This increase represents an **adjustment** to the burden estimate, and is mostly due to the revised estimate for growers worker training (increase) and the elimination of the burden estimate for potential exceptions,

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which have not been requested (decrease). In addition, the number of rose growers in the US that may need to use an exception, if granted, has decreased since the last ICR due to foreign competition.

The cost estimates provided in this ICR are approximately \$12.1 million more than the cost provided in the previous ICR due primarily to increased wage rates used for calculating the costs associated with the burden hour impacts.

6(g). Burden Statement

The total annual respondent burden for providing the notifications associated with the Pesticides Worker Protection Standards as a whole is estimated to be 2,294,625 hours, with incremental activity burdens ranging from 2 minutes per respondent to provide initial basic safety information and 45 minutes per respondent for handler training. This total estimate includes the third party WPS training and notification requirements such as the provisions requiring employers to provide employees with pesticide-specific treatment (application) information in the form of oral or written notification, provisions requiring that employers assure that employees receive basic pesticide safety information or training, a voluntary program to verify training and relief duplication of training, provisions requiring handler notification to employers regarding pesticide treatments (applications) and provision for emergency information on pesticide treatments, and provisions requiring employers to notify employees when an exception/exemption to the WPS is being implemented.

Send comments regarding burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to: Director, Collection Strategies Division, U.S. Environmental Protection Agency (2822), 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20460. Include the OMB control number in any correspondence, but do not submit the requested information or forms to this address. The requested information should be submitted in accordance with the instructions in the Federal Register Notice seeking comment on this ICR. Please reference this document by the OMB Control No. 2070-0148 in all correspondence.

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**ATTACHMENTS TO THE SUPPORTING STATEMENT**

- Attachment 1 WPS Final Rule 40 CFR 170 - available electronically at  
[http://www.access.gpo.gov/nara/cfr/cfrhtml\\_00/Title\\_40/40cfr170\\_00.html](http://www.access.gpo.gov/nara/cfr/cfrhtml_00/Title_40/40cfr170_00.html)
- Attachment 2 Safety Poster
- Attachment 3 Worker Protection Standard Training and Notification; Renewal of Pesticide Information Collection Activities and Request for Comments (66 FR 8397; January 31, 2001). Available electronically at  
<http://www.epa.gov/fedrgstr/EPA-PEST/2001/January/Day-31/p2571.htm>
- Attachment 4 Display Related to OMB Control #2070-0148 - Listings of Related Regulations in 40 CFR 9.1. An electronic copy of this attachment follows in the electronic file for this ICR.
- Attachment 5 Warning Sign



ATTACHMENT #4

**Display Related to OMB Control #2070-0148- Listings of  
Related Regulations in 40 CFR 9.1**

As of May 10, 1993, the OMB approval numbers for EPA regulations in Chapter I of Title 40 of the Code of Federal Regulations (CFR) appear in a listing in 40 CFR 9.1 (58 FR 27472). This listing fulfills the display requirements in section 3507(f) of the Paperwork Reduction Act (PRA) for EPA regulations. The listing at 40 CFR 9.1 displays this OMB Control number for the following regulations:

<u>Program Title</u>	<u>40 CFR citation</u>
Worker Protection Standards for Agricultural Pesticides . . . . .	Part 170